

# Senate Study Bill 1057

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to motor vehicle regulation by the state  
2 department of transportation, including motor vehicle  
3 registration and titling, restricted and special driver's  
4 licenses for minors, driver licensing, regulation of  
5 commercial vehicles, the use of flashing lights on certain  
6 vehicles, permits for vehicles of excessive height or weight,  
7 and persons with disabilities parking.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TLSB 1166DP 81  
10 dea/gg/14

PAG LIN

1 1 Section 1. Section 299.1B, Code 2005, is amended to read  
1 2 as follows:  
1 3 299.1B FAILURE TO ATTEND == ~~LOSS OF DRIVER'S LICENSE.~~  
1 4 A person who does not attend a public school, an accredited  
1 5 nonpublic school, competent private instruction in accordance  
1 6 with the provisions of chapter 299A, an alternative school, or  
1 7 adult education classes, ~~or who is not employed at least~~  
~~1 8 twenty hours per week shall not receive a motor vehicle~~  
~~1 9 operator's driver's license until age eighteen. A person~~  
~~1 10 under age eighteen who has been issued a motor vehicle~~  
~~1 11 operator's license who does not attend a public school, an~~  
~~1 12 accredited nonpublic school, competent private instruction in~~  
~~1 13 accordance with the provisions of chapter 299A, an alternative~~  
~~1 14 school, or adult education classes, shall surrender the~~  
~~1 15 license and be issued a temporary restricted license under~~  
~~1 16 section 321.215.~~  
1 17 Sec. 2. Section 321.1, Code 2005, is amended by adding the  
1 18 following new subsections:  
1 19 NEW SUBSECTION. 6A. "Bona fide business address" means  
1 20 the current street or highway address of a firm, association,  
1 21 or corporation.  
1 22 NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide  
1 23 address" means the current street or highway address of an  
1 24 individual's residence. The bona fide residence of a homeless  
1 25 person is a primary nighttime residence meeting one of the  
1 26 criteria listed in section 48A.2, subsection 2.  
1 27 Sec. 3. Section 321.1, subsection 61, Code 2005, is  
1 28 amended by striking the subsection.  
1 29 Sec. 4. Section 321.9, Code 2005, is amended to read as  
1 30 follows:  
1 31 321.9 AUTHORITY TO ADMINISTER OATHS.  
1 32 Officers and employees of the department designated by the  
1 33 director, county officials authorized under this chapter to  
~~1 34 issue motor vehicle registrations and titles, and county~~  
~~1 35 officials authorized under chapter 321M to issue driver's~~  
~~2 1 licenses are authorized, for the purpose of administering the~~  
~~2 2 motor vehicle laws, authorized to administer oaths and~~  
2 3 acknowledge signatures, and shall do so without fee.  
2 4 Sec. 5. Section 321.12, subsection 4, Code 2005, is  
2 5 amended to read as follows:  
2 6 4. The director shall not destroy any operating records  
2 7 pertaining to arrests or convictions for operating while  
2 8 intoxicated, in violation of section 321J.2 or operating  
2 9 records pertaining to revocations for violations of section  
2 10 321J.2A, except that a conviction or revocation under section  
2 11 321J.2 or 321J.2A that is not subject to 49 C.F.R. } 383 shall  
2 12 be deleted from the operating records twelve years after the

2 13 date of conviction or the effective date of revocation.  
2 14 Convictions or revocations that are retained in the operating  
2 15 records for more than twelve years under this subsection shall  
2 16 be considered only for purposes of disqualification actions  
2 17 under 49 C.F.R. } 383.  
2 18 Sec. 6. Section 321.23, subsection 1, Code 2005, is  
2 19 amended to read as follows:  
2 20 1. If the vehicle to be registered is a specially  
2 21 constructed, reconstructed, ~~remanufactured~~, or foreign  
2 22 vehicle, such fact shall be stated in the application. A fee  
2 23 of ten dollars shall be paid by the person making the  
2 24 application upon issuance of a certificate of title by the  
2 25 county treasurer. ~~With reference to every~~ For a specially  
2 26 constructed or reconstructed motor vehicle subject to  
2 27 registration, the application shall be accompanied by a  
2 28 statement from the department authorizing the motor vehicle to  
2 29 be titled and registered in this state. The department shall  
2 30 cause a physical inspection to be made of all specially  
2 31 constructed or reconstructed motor vehicles, upon application  
2 32 for a certificate of title by the owner, to determine whether  
2 33 the motor vehicle complies with the definition of specially  
2 34 constructed motor vehicle or reconstructed motor vehicle in  
2 35 this chapter and to determine that the integral component  
3 1 parts are properly identified and that the rightful ownership  
3 2 is established before issuing the owner the authority to have  
3 3 the motor vehicle registered and titled. The purpose of the  
3 4 physical inspection under this section is not to determine  
3 5 whether the motor vehicle is in a condition safe to operate.  
3 6 ~~With reference to every~~ The owner of a specially constructed  
3 7 or reconstructed vehicle shall apply for a certificate of  
3 8 title and registration for the vehicle at the county  
3 9 treasurer's office within thirty days of the inspection. For  
3 10 a foreign vehicle which has been registered outside of this  
3 11 state, the owner shall surrender to the treasurer all  
3 12 registration plates, registration cards, and certificates of  
3 13 title, or, if the vehicle to be registered is from a nontitle  
3 14 state, the evidence of foreign registration and ownership as  
3 15 may be prescribed by the department except as provided in  
3 16 subsection 2.  
3 17 Sec. 7. Section 321.24, subsection 1, Code 2005, is  
3 18 amended to read as follows:  
3 19 1. Upon receipt of the application for title and payment  
3 20 of the required fees for a motor vehicle, trailer, or  
3 21 semitrailer, the county treasurer or the department shall,  
3 22 when satisfied as to the application's genuineness and  
3 23 regularity, and, in the case of a mobile home or manufactured  
3 24 home, that taxes are not owing under chapter 435, issue a  
3 25 certificate of title and, except for a mobile home or  
3 26 manufactured home, a registration receipt, and shall file the  
3 27 application, the manufacturer's or importer's certificate, the  
3 28 certificate of title, or other evidence of ownership, as  
3 29 prescribed by the department. The registration receipt shall  
3 30 be delivered to the owner and shall contain upon its face the  
3 31 date issued, the name and address of the owner, the  
3 32 registration number assigned to the vehicle, the amount of the  
3 33 fee paid, the amount of tax paid pursuant to section 423.26,  
3 34 the type of fuel used, ~~and~~ a description of the vehicle as  
3 35 determined by the department, and ~~upon the reverse side~~ a form  
4 1 for notice of transfer of the vehicle. The name and address  
4 2 of any lessee of the vehicle shall not be printed on the  
4 3 registration receipt or certificate of title. Up to three  
4 4 owners may be listed on the registration receipt and  
4 5 certificate of title.  
4 6 Sec. 8. Section 321.24, subsection 11, Code 2005, is  
4 7 amended to read as follows:  
4 8 11. If the county treasurer or department is not satisfied  
4 9 as to the ownership of the vehicle or that there are no  
4 10 undisclosed security interests in it, or a junking certificate  
4 11 has been issued for the vehicle but a certificate of title  
4 12 will not be reissued under section 321.52, subsection 3, and  
4 13 the vehicle qualifies as an antique vehicle under section  
4 14 321.115, subsection 1, the county treasurer or department may  
4 15 register the vehicle but shall, as a condition of issuing a  
4 16 certificate of title and registration receipt, require the  
4 17 applicant to file with the department a bond in the form  
4 18 prescribed by the department and executed by the applicant,  
4 19 and either accompanied by the deposit of cash with the  
4 20 department or also executed by a person authorized to conduct  
4 21 a surety business in this state. The owner of a vehicle  
4 22 subject to the bond requirements of this subsection shall  
4 23 apply for a certificate of title and registration for the

4 24 vehicle at the county treasurer's office within thirty days of  
4 25 issuance of written authorization from the department. The  
4 26 bond shall be in an amount equal to one and one-half times the  
4 27 current value of the vehicle as determined by the department  
4 28 and conditioned to indemnify any prior owner and secured party  
4 29 and any subsequent purchaser of the vehicle or person  
4 30 acquiring any security interest in it, and their respective  
4 31 successors in interest, against any expense, loss, or damage,  
4 32 including reasonable attorney fees, by reason of the issuance  
4 33 of the certificate of title of the vehicle or on account of  
4 34 any defect in or undisclosed security interest upon the right,  
4 35 title, and interest of the applicant in and to the vehicle.  
5 1 Any such interested person has a right of action to recover on  
5 2 the bond for any breach of its conditions, but the aggregate  
5 3 liability of the surety to all persons shall not exceed the  
5 4 amount of the bond. The bond, and any deposit accompanying  
5 5 it, shall be returned at the end of three years or prior  
5 6 thereto if the vehicle is no longer registered in this state  
5 7 and the currently valid certificate of title is surrendered to  
5 8 the department, unless the department has been notified of the  
5 9 pendency of an action to recover on the bond. The department  
5 10 may authorize issuance of a certificate of title as provided  
5 11 in this subsection for a vehicle with an unreleased security  
5 12 interest upon presentation of satisfactory evidence that the  
5 13 security interest has been extinguished and the holder of the  
5 14 security interest cannot be located to release the security  
5 15 interest as provided in section 321.50.  
5 16 Sec. 9. Section 321.34, subsection 8A, unnumbered  
5 17 paragraph 1, Code 2005, is amended to read as follows:  
5 18 The owner of a motor vehicle subject to registration under  
5 19 section 321.109, subsection 1, motorcycle, trailer, or motor  
5 20 truck who was a prisoner of war during ~~the Second World War at~~  
~~5 21 any time between December 7, 1941, and December 31, 1946, the~~  
~~5 22 Korean Conflict at any time between June 25, 1950, and January~~  
~~5 23 31, 1955, or the Vietnam Conflict at any time between August~~  
~~5 24 5, 1964, and June 30, 1973, all dates inclusive, a time of~~  
~~5 25 military conflict~~ may, upon written application to the  
5 26 department, order only one set of special registration plates  
5 27 with an ex-prisoner of war processed emblem. The emblem shall  
5 28 be designed by the department in cooperation with the adjutant  
5 29 general and shall signify that the owner was a prisoner of war  
5 30 as described in this subsection. The application is subject  
5 31 to approval by the department, in consultation with the  
5 32 adjutant general. The special plates shall be issued at no  
5 33 charge and are subject to an annual registration fee of  
5 34 fifteen dollars. The county treasurer shall validate the  
5 35 special plates in the same manner as regular registration  
6 1 plates are validated under this section.  
6 2 Sec. 10. Section 321.43, Code 2005, is amended to read as  
6 3 follows:  
6 4 321.43 NEW IDENTIFYING NUMBERS.  
6 5 The department may assign a distinguishing number to a  
6 6 vehicle when the serial number on the vehicle is destroyed or  
6 7 obliterated and issue to the owner a special plate bearing the  
6 8 distinguishing number which shall be affixed to the vehicle in  
6 9 a position to be determined by the director. The vehicle  
6 10 shall be registered and titled under the distinguishing number  
6 11 in lieu of the former serial number within thirty days of  
6 12 issuance of the distinguishing number.  
6 13 Sec. 11. Section 321.52, subsections 1 and 2, Code 2005,  
6 14 are amended to read as follows:  
6 15 1. When a vehicle is sold outside the state for purposes  
6 16 other than for junk, the owner, dealer or otherwise, shall  
6 17 detach the registration plates and registration card and shall  
6 18 indicate on the ~~reverse side of such~~ registration card the  
6 19 name and address of the foreign purchaser or transferee over  
6 20 the person's signature. ~~The Unless the registration plates~~  
~~6 21 are legally attached to another vehicle, the owner shall~~  
6 22 surrender the registration plates and registration card to the  
6 23 county treasurer, ~~unless the registration plates are properly~~  
~~6 24 attached to another vehicle,~~ who shall cancel the records, ~~and~~  
~~6 25 shall~~ destroy the registration plates, and forward the  
6 26 registration card to the department. The department shall  
6 27 make a notation on the records of the out-of-state sale, and,  
6 28 after a reasonable period, may destroy the files ~~to for~~ that  
6 29 particular vehicle. The department is not authorized to make  
6 30 a refund of ~~license registration~~ fees on a vehicle sold out of  
6 31 state unless it receives the registration card completed as  
6 32 provided in this section.  
6 33 2. The purchaser or transferee of a motor vehicle for  
6 34 which a certificate of title is issued which is sold for scrap

6 35 or junk shall surrender the certificate of title, properly  
7 1 endorsed and signed by the previous owner, to the county  
7 2 treasurer of the county of residence of the transferee, and  
7 3 shall apply for a junking certificate from the county  
7 4 treasurer, within thirty days after assignment of the  
7 5 certificate of title. The county treasurer shall issue to  
7 6 such person without fee a junking certificate. A junking  
7 7 certificate shall authorize the holder to possess, transport,  
7 8 or transfer by endorsement the ownership of the junked  
7 9 vehicle. A certificate of title shall not again be issued for  
7 10 the vehicle subsequent to the issuance of a junking  
7 11 certificate except as provided in subsection 3. The county  
7 12 treasurer shall cancel the record of the vehicle. The junking  
7 13 certificate shall be printed on the registration receipt form  
7 14 and shall be imprinted with the words "junking certificate",  
7 15 as prescribed by the department. A space for transfer by  
7 16 endorsement shall be on the ~~reverse side of the~~ junking  
7 17 certificate. A separate form for the notation of the transfer  
7 18 of component parts shall be attached to the junking  
7 19 certificate when the certificate is issued.

7 20 Sec. 12. Section 321.109, subsection 2, unnumbered  
7 21 paragraph 1, Code 2005, is amended to read as follows:  
7 22 Dealers may, in addition to other provisions of this  
7 23 section, purchase from the department in-transit ~~stickers~~  
7 24 permits, for which a fee of two dollars per ~~sticker permit~~  
7 25 shall be paid at time of purchase. One such ~~sticker permit~~  
7 26 shall be displayed on each vehicle purchased from a dealer by  
7 27 a nonresident for removal to the state of the nonresident's  
7 28 residence, and one such ~~sticker permit~~ shall also be displayed  
7 29 on each vehicle not currently registered in Iowa and purchased  
7 30 by an Iowa dealer for removal to the dealer's place of  
7 31 business in this state. The ~~stickers permits~~ shall be void  
7 32 fifteen days after issuance by the selling dealer. Each  
7 33 ~~sticker permit~~ shall contain the following information:  
7 34 Sec. 13. Section 321.109, subsection 2, unnumbered  
7 35 paragraph 2, Code 2005, is amended to read as follows:  
8 1 ~~This information shall be on the gummed side of the sticker~~  
8 2 ~~and the sticker shall be made of a type of material which is~~  
8 3 ~~self-destructive when the sticker is removed.~~ The sales  
8 4 invoice verifying the sale shall be in the possession of the  
8 5 driver of the vehicle in transit and shall be signed by the  
8 6 owner or an authorized individual of the issuing dealership.

8 7 Sec. 14. Section 321.176A, subsection 3, Code 2005, is  
8 8 amended to read as follows:  
8 9 3. ~~Military personnel while on active duty and operating~~  
8 10 ~~equipment owned or operated by the United States department of~~  
8 11 ~~defense. The following persons when operating commercial~~  
8 12 ~~motor vehicles for military purposes:~~  
8 13 a. Active duty military personnel.  
8 14 b. Members of the military reserves.  
8 15 c. Members of the national guard on active duty, including  
8 16 personnel on full-time national guard duty, personnel on part-  
8 17 time national guard training, and national guard military  
8 18 technicians.  
8 19 d. Active duty United States coast guard personnel.

8 20 Sec. 15. Section 321.177, subsection 1, Code 2005, is  
8 21 amended to read as follows:  
8 22 1. To any person who is under the age of eighteen years  
8 23 except as provided in section 321.180B. However, the  
8 24 department may issue a driver's license to certain minors as  
8 25 provided in section ~~321.178 or~~ 321.194, or a driver's license  
8 26 restricted to motorized bicycles as provided in section  
8 27 321.189.

8 28 Sec. 16. Section 321.178, subsection 2, Code 2005, is  
8 29 amended by striking the subsection.

8 30 Sec. 17. Section 321.180B, unnumbered paragraph 1, Code  
8 31 2005, is amended to read as follows:  
8 32 Persons under age eighteen shall not be issued a license or  
8 33 permit to operate a motor vehicle except under the provisions  
8 34 of this section. However, the department may issue ~~restricted~~  
8 35 ~~and special driver's licenses to certain minors as provided in~~  
9 1 ~~sections 321.178 and section 321.194, and driver's licenses~~  
9 2 ~~restricted to motorized bicycles as provided in section~~  
9 3 ~~321.189. A license or permit shall not be issued under this~~  
9 4 ~~section or section 321.178 or~~ 321.194 without the consent of a  
9 5 parent or guardian. An additional consent is required each  
9 6 time a license or permit is issued under this section or  
9 7 section ~~321.178 or~~ 321.194. The consent must be signed by at  
9 8 least one parent or guardian on an affidavit form provided by  
9 9 the department.

9 10 Sec. 18. Section 321.191, subsections 6 and 7, Code 2005,

9 11 are amended to read as follows:  
9 12 6. SPECIAL MINORS' LICENSES. Notwithstanding subsection  
9 13 2, the fee for a driver's license issued to a minor under  
9 14 section 321.194 ~~or a restricted license issued to a minor~~  
9 15 ~~under section 321.178, subsection 2,~~ is eight dollars.  
9 16 7. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.  
9 17 The fee for a double/triple trailer endorsement, tank vehicle  
9 18 endorsement, and hazardous materials endorsement is five  
9 19 dollars for each endorsement. The fee for a passenger  
9 20 endorsement or a school bus endorsement is ten dollars. The  
9 21 fee for removal of an air brake restriction on a commercial  
9 22 driver's license is ten dollars. Fees imposed under this  
9 23 subsection for endorsements or removal of restrictions are  
9 24 valid for the period of the license. Upon renewal of a  
9 25 commercial driver's license, no fee is payable for retaining  
9 26 endorsements or the removal of the air brake restriction for  
9 27 those endorsements or restrictions which do not require the  
9 28 taking of either a knowledge or a driving skills test for  
9 29 renewal.  
9 30 Sec. 19. Section 321.191, subsection 9, unnumbered  
9 31 paragraph 2, Code 2005, is amended to read as follows:  
9 32 As used in this subsection "to upgrade a license class  
9 33 privilege" means to add any privilege to a valid driver's  
9 34 license. The addition of a privilege includes converting from  
9 35 a noncommercial to a commercial license, converting from a  
10 1 noncommercial class C to a class D license, converting an  
10 2 instruction permit to a class license, adding any privilege to  
10 3 a section 321.189, subsection 7, license, adding an  
10 4 instruction permit privilege, adding a section 321.189,  
10 5 subsection 7, license to an instruction permit, and adding any  
10 6 privilege relating to a driver's license issued to a minor  
10 7 under section 321.194 ~~or section 321.178, subsection 2.~~  
10 8 Sec. 20. Section 321.194, subsection 1, paragraph a,  
10 9 subparagraph (1), Code 2005, is amended to read as follows:  
10 10 (1) During the hours of 6 a.m. to 10 p.m. over the most  
10 11 direct and accessible route between the licensee's residence  
10 12 and schools of enrollment or the closest school bus stop or  
10 13 public transportation service, and between schools of  
10 14 enrollment, for the purpose of attending duly scheduled  
10 15 courses of instruction and extracurricular activities within  
10 16 the school district.  
10 17 Sec. 21. Section 321.198, unnumbered paragraph 1, Code  
10 18 2005, is amended to read as follows:  
10 19 The effective date of a valid driver's license ~~to the~~  
10 20 ~~extent that it permits the operation of a motor vehicle other~~  
10 21 ~~than a commercial motor vehicle and other than as a chauffeur,~~  
10 22 issued under the laws of this state, held by any person at the  
10 23 time of entering the military service of the United States or  
10 24 of the state of Iowa, notwithstanding the expiration of the  
10 25 license according to its terms, is hereby extended without fee  
10 26 until six months following the initial separation from active  
10 27 duty of the person from the military service, provided the  
10 28 person is not suffering from physical disabilities which  
10 29 impair the person's competency as an operator and provided  
10 30 further that the licensee shall ~~upon demand of any peace~~  
10 31 ~~officer furnish, upon demand of any peace officer,~~  
10 32 satisfactory evidence of the person's military service.  
10 33 However, a person entitled to the benefits of this section,  
10 34 ~~who is charged with operating a motor vehicle without an~~  
10 35 ~~operator's a valid driver's license,~~ shall not be convicted if  
11 1 the person produces in court, within a reasonable time, a  
11 2 valid driver's license previously issued to that person along  
11 3 with evidence of the person's military service as ~~above~~  
11 4 ~~mentioned provided in this paragraph.~~  
11 5 Sec. 22. Section 321.200, Code 2005, is amended to read as  
11 6 follows:  
11 7 321.200 CONVICTION AND ACCIDENT FILE.  
11 8 The department shall also file all accident reports and  
11 9 abstracts of court records of convictions received by it under  
11 10 the laws of this state or any other state or foreign  
11 11 jurisdiction and in connection therewith maintain convenient  
11 12 records or make suitable notations in order that an individual  
11 13 record of each licensee showing the convictions of such  
11 14 licensee and the traffic accidents in which the licensee has  
11 15 been involved shall be readily ascertainable and available for  
11 16 the consideration of the department upon any application for  
11 17 renewal of license and at other suitable times.  
11 18 Sec. 23. Section 321.205, Code 2005, is amended to read as  
11 19 follows:  
11 20 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER  
11 21 JURISDICTION.

11 22 The department is authorized to suspend or revoke the  
11 23 driver's license of a resident of this state ~~upon or~~  
11 24 ~~disqualify a resident of this state from operating a~~  
11 25 ~~commercial motor vehicle for any of the following reasons:~~  
11 26 1. ~~Upon~~ receiving notice of the conviction of the resident  
11 27 in another state for an offense which, if committed in this  
11 28 state, would be grounds for the suspension or revocation of  
11 29 the license or ~~upon~~ ~~disqualification of the person from~~  
11 30 ~~operating a commercial motor vehicle.~~

11 31 2. ~~Upon~~ receiving notice of a final administrative  
11 32 decision in another state that the resident has acted in a  
11 33 manner which would be grounds for suspension or revocation of  
11 34 the license ~~or disqualification of the person from operating a~~  
11 35 ~~commercial motor vehicle~~ in this state.

12 1 Sec. 24. Section 321.208, subsection 1, Code 2005, is  
12 2 amended to read as follows:

12 3 1. A person is disqualified from operating a commercial  
12 4 motor vehicle for one year upon a conviction or final  
12 5 administrative decision that the person ~~while operating a~~  
12 6 ~~commercial motor vehicle~~ has committed any of the following  
12 7 acts or offenses in any state or foreign jurisdiction ~~while~~  
12 8 ~~operating a commercial motor vehicle:~~

12 9 a. ~~Operating a commercial motor vehicle while under the~~  
12 10 ~~influence of an alcoholic beverage or other drug or controlled~~  
12 11 ~~substance or a combination of such substances.~~

12 12 b. ~~a. Operating a commercial motor vehicle with an alcohol~~  
12 13 ~~concentration, as defined in section 321J.1, of 0.04 or more.~~

12 14 c. ~~Refusal to submit to chemical testing required under~~  
12 15 ~~chapter 321J.~~

12 16 d. ~~Failure to stop and render aid at the scene of an~~  
12 17 ~~accident involving the person's vehicle.~~

12 18 e. ~~A felony or aggravated misdemeanor involving the use of~~  
12 19 ~~a commercial motor vehicle other than an offense involving~~  
12 20 ~~manufacturing, distributing, or dispensing a controlled~~  
12 21 ~~substance.~~

12 22 f. ~~b. Operating a commercial motor vehicle while any~~  
12 23 ~~amount of a controlled substance is present in the person, as~~  
12 24 ~~measured in the person's blood or urine.~~

12 25 c. ~~Operating a commercial motor vehicle when, as a result~~  
12 26 ~~of prior violations committed while operating a commercial~~  
12 27 ~~motor vehicle, the person's commercial driver's license is~~  
12 28 ~~revoked, suspended, or canceled or the person is disqualified~~  
12 29 ~~from operating a commercial motor vehicle.~~

12 30 d. ~~Operating a commercial motor vehicle involved in a~~  
12 31 ~~fatal accident and being convicted of a moving traffic~~  
12 32 ~~violation that contributed to the fatality, or manslaughter or~~  
12 33 ~~vehicular homicide.~~

12 34 ~~However, a person is disqualified for three years if the~~  
12 35 ~~act or offense occurred while the person was operating a~~  
13 1 ~~commercial motor vehicle transporting hazardous material of a~~  
13 2 ~~type or quantity requiring vehicle placarding.~~

13 3 Sec. 25. Section 321.208, Code 2005, is amended by adding  
13 4 the following new subsections:

13 5 NEW SUBSECTION. 1A. A person is disqualified from  
13 6 operating a commercial motor vehicle for one year upon a  
13 7 conviction or final administrative decision that the person  
13 8 has committed any of the following acts or offenses in any  
13 9 state or foreign jurisdiction while operating a commercial  
13 10 motor vehicle or while operating a noncommercial motor vehicle  
13 11 and holding a commercial driver's license:

13 12 a. Operating a motor vehicle while under the influence of  
13 13 an alcoholic beverage or other drug or controlled substance or  
13 14 a combination of such substances.

13 15 b. Refusal to submit to chemical testing required under  
13 16 chapter 321J.

13 17 c. Leaving the scene or failure to stop or render aid at  
13 18 the scene of an accident involving the person's vehicle.

13 19 d. A felony or aggravated misdemeanor involving the use of  
13 20 a commercial motor vehicle other than an offense involving  
13 21 manufacturing, distributing, or dispensing a controlled  
13 22 substance.

13 23 NEW SUBSECTION. 1B. A person is disqualified from  
13 24 operating a commercial motor vehicle for three years if an act  
13 25 or offense described in subsection 1 or 1A occurred while the  
13 26 person was operating a commercial motor vehicle transporting  
13 27 hazardous material of a type or quantity requiring vehicle  
13 28 placarding.

13 29 Sec. 26. Section 321.208, subsections 2, 3, and 4, Code  
13 30 2005, are amended to read as follows:

13 31 2. A person is disqualified ~~from operating a commercial~~  
13 32 ~~motor vehicle~~ for life if convicted or found to have committed

13 33 two or more of the ~~above~~ acts or offenses described in  
13 34 subsection 1 or 1A arising out of two or more separate  
13 35 incidents. However, a disqualification for life is subject to  
14 1 a reduction to a ten-year disqualification as provided in 49  
14 2 C.F.R. } 383.51 as adopted by rule by the department.  
14 3 3. A person is disqualified from operating a commercial  
14 4 motor vehicle for ~~the person's~~ life upon a conviction that the  
14 5 person used a commercial or noncommercial motor vehicle in the  
14 6 commission of a felony or aggravated misdemeanor involving the  
14 7 manufacturing, distributing, or dispensing of a controlled  
14 8 substance as defined in section 124.101 and held a commercial  
14 9 driver's license at the time the offense was committed.

14 10 4. A person is disqualified from operating a commercial  
14 11 motor vehicle if the person receives convictions for  
14 12 committing within any three-year period two or more of the  
14 13 following offenses while operating a commercial motor vehicle:

14 14 a. ~~Speeding fifteen miles per hour or more over the legal~~  
14 15 ~~speed limit.~~

14 16 b. ~~Reckless driving.~~

14 17 c. ~~Any violation of the traffic laws, except a parking~~  
14 18 ~~violation or a vehicle weight violation, which arises in~~  
14 19 ~~connection with a fatal traffic accident.~~

14 20 d. ~~a.~~ Operating a commercial motor vehicle upon a highway  
14 21 when not issued a commercial driver's license valid for the  
14 22 vehicle operated.

14 23 e. ~~b.~~ Operating a commercial motor vehicle upon a highway  
14 24 when disqualified not issued the proper class of commercial  
14 25 driver's license or endorsements for the specific vehicle  
14 26 group being operated or for the passengers or type of cargo  
14 27 being transported.

14 28 f. ~~c.~~ Operating a commercial motor vehicle upon a highway  
14 29 without immediate possession of a driver's license valid for  
14 30 the vehicle operated.

14 31 g. ~~Following another motor vehicle too closely.~~

14 32 h. ~~Improper lane changes in violation of section 321.306.~~

14 33 ~~The period of disqualification under this subsection shall~~  
14 34 ~~be sixty days for two offenses within any three-year period~~  
14 35 ~~and one hundred twenty days for three offenses within any~~  
15 1 ~~three-year period.~~

15 2 Sec. 27. Section 321.208, Code 2005, is amended by adding  
15 3 the following new subsections:

15 4 NEW SUBSECTION. 4A. A person is disqualified from  
15 5 operating a commercial motor vehicle if the person receives  
15 6 convictions for committing within any three-year period two or  
15 7 more of the following offenses while operating a commercial  
15 8 motor vehicle or while operating a noncommercial motor vehicle  
15 9 and holding a commercial driver's license if the convictions  
15 10 result in the revocation, cancellation, or suspension of the  
15 11 person's commercial driver's license or noncommercial motor  
15 12 vehicle driving privileges:

15 13 a. Speeding fifteen miles per hour or more over the legal  
15 14 speed limit.

15 15 b. Reckless driving.

15 16 c. Any violation of the traffic laws, except a parking  
15 17 violation or a vehicle weight violation, which arises in  
15 18 connection with a fatal traffic accident.

15 19 d. Following another motor vehicle too closely.

15 20 e. Improper lane changes in violation of section 321.306.

15 21 NEW SUBSECTION. 4B. The period of disqualification under  
15 22 subsections 4 and 4A shall be sixty days for two offenses  
15 23 within any three-year period and one hundred twenty days for  
15 24 three offenses within any three-year period.

15 25 Sec. 28. Section 321.213B, Code 2005, is amended to read  
15 26 as follows:

15 27 321.213B SUSPENSION FOR FAILURE TO ATTEND.

15 28 The department shall establish procedures by rule for  
15 29 suspending the license of a juvenile who is in violation has  
15 30 been issued a driver's license and is not in compliance with  
15 31 the requirements of section 299.1B or issuing the juvenile a  
15 32 temporary restricted license under section 321.215 if the  
15 33 juvenile is employed at least twenty hours per week.

15 34 Sec. 29. Section 321.215, subsection 1, unnumbered  
15 35 paragraph 2, Code 2005, is amended to read as follows:

16 1 However, a temporary restricted license shall not be issued  
16 2 to a person whose license is revoked pursuant to a court order  
16 3 issued under section 901.5, subsection 10, or under section  
16 4 321.209, subsections 1 through 5 or subsection 7, ~~or;~~ to a  
16 5 juvenile whose license has been suspended or revoked pursuant  
16 6 to a dispositional order under section 232.52, subsection 2,  
16 7 paragraph "a", for a violation of chapter 124 or 453B, ~~or~~  
16 8 section 126.3; or to a juvenile whose license has been

16 9 suspended under section 321.213B. A temporary restricted  
16 10 license may be issued to a person whose license is revoked  
16 11 under section 321.209, subsection 6, only if the person has no  
16 12 previous drag racing convictions. A person holding a  
16 13 temporary restricted license issued by the department under  
16 14 this section shall not operate a motor vehicle for pleasure.  
16 15 Sec. 30. Section 321.218, subsections 4 and 5, Code 2005,  
16 16 are amended to read as follows:  
16 17 4. A person who operates a commercial motor vehicle upon  
16 18 the highways of this state when disqualified from operating  
16 19 the commercial motor vehicle under section 321.208 or the  
16 20 imminent hazard provisions of 49 C.F.R. } 383.52 commits a  
16 21 serious misdemeanor if a commercial driver's license is  
16 22 required for the person to operate the commercial motor  
16 23 vehicle.  
16 24 5. The department, upon receiving the record of a  
16 25 conviction of a person under this section upon a charge of  
16 26 operating a commercial motor vehicle while the person is  
16 27 disqualified, shall extend the period of disqualification for  
16 28 an additional like period or for the time period specified in  
16 29 section 321.208, whichever is longer.  
16 30 Sec. 31. Section 321.423, subsection 2, paragraph g, Code  
16 31 2005, is amended to read as follows:  
16 32 g. \* Flashing red and amber warning lights on a school bus  
16 33 as described in section 321.372, and a white flashing strobe  
16 34 light mounted on a school bus as permitted under section  
16 35 321.373, subsection 7.  
17 1 Sec. 32. Section 321.423, subsection 2, Code 2005, is  
17 2 amended by adding the following new paragraph:  
17 3 NEW PARAGRAPH. h. A flashing amber light is permitted on  
17 4 a towing or recovery vehicle, a utility maintenance vehicle, a  
17 5 municipal maintenance vehicle, a highway maintenance vehicle,  
17 6 or a vehicle operated in accordance with subsection 6 or  
17 7 section 321.398 or 321.453.  
17 8 Sec. 33. Section 321.449, subsection 7, Code 2005, is  
17 9 amended by striking the subsection.  
17 10 Sec. 34. Section 321.451, subsection 1, paragraph a, Code  
17 11 2005, is amended to read as follows:  
17 12 a. An ambulance, or fire or vehicle, rescue vehicle, or  
17 13 towing or recovery vehicle.  
17 14 Sec. 35. Section 321.451, subsection 2, Code 2005, is  
17 15 amended to read as follows:  
17 16 2. The application for a certificate of designation must  
17 17 include the name and occupation of the owner of the vehicle,  
17 18 vehicle identification information, a description of the  
17 19 vehicle's equipment, and a description of the use of the  
17 20 vehicle when its red light is flashing, and a photograph  
17 21 showing a side view of the vehicle how the vehicle will be  
17 22 used as an authorized emergency vehicle.  
17 23 Sec. 36. Section 321.456, Code 2005, is amended to read as  
17 24 follows:  
17 25 321.456 HEIGHT OF VEHICLES == PERMITS == EXEMPTION.  
17 26 A vehicle unladen or with load shall not exceed a height of  
17 27 thirteen feet, six inches, except by permit as provided in  
17 28 this section. However, that a vehicle or combination of  
17 29 vehicles coupled together and used exclusively for the  
17 30 transportation of passenger vehicles, light delivery trucks,  
17 31 panel delivery trucks, pickup trucks, or recreational vehicle  
17 32 chassis may operate without a permit provided that the height  
17 33 of the vehicle or vehicles coupled together does not with a  
17 34 height not to exceed fourteen feet. This section shall not be  
17 35 construed to require any railroad or public authorities to  
18 1 provide sufficient vertical clearance to permit the operation  
18 2 of such vehicle upon the highways of this state. Any damage  
18 3 to highways, highway or railroad structures, or underpasses  
18 4 caused by the height of any vehicle provided for by this  
18 5 section shall be borne by the operator or owner of the  
18 6 vehicle. Vehicles unladen or with load exceeding a height of  
18 7 thirteen feet, six inches but not exceeding fourteen feet may  
18 8 be operated with a permit issued by the department or  
18 9 jurisdictional local authorities. The permits shall be issued  
18 10 annually for a fee of twenty-five dollars and subject to rules  
18 11 adopted by the department. The state or a political  
18 12 subdivision shall not be liable for damage to any vehicle or  
18 13 its cargo if changes in vertical clearance of a structure are  
18 14 made subsequent to the issuance of a permit during the term of  
18 15 the permit.  
18 16 Sec. 37. Section 321E.12, Code 2005, is amended to read as  
18 17 follows:  
18 18 321E.12 REGISTRATION MUST BE CONSISTENT.  
18 19 A vehicle traveling under permit shall be properly



18 20 registered for the gross weight of the vehicle and load. A  
18 21 trip permit issued according to section 326.23 shall not be  
18 22 used in lieu of the registration provided for in this section.

18 23 A person owning special mobile equipment may use a transport  
18 24 vehicle registered for the gross weight of the transport  
18 25 without a load. Vehicles, while being used for the  
18 26 transportation of buildings, except mobile homes and factory=  
18 27 built structures, may be registered for the combined gross  
18 28 weight of the vehicle and load on a single=trip basis. The  
18 29 fee is five cents per ton exceeding the weight registered  
18 30 under section 321.122 per mile of travel. Fees shall not be  
18 31 prorated for fractions of miles. This provision does not  
18 32 exempt these vehicles from any other provision of this  
18 33 chapter.

18 34 Sec. 38. Section 321L.2, subsection 5, Code 2005, is  
18 35 amended by striking the subsection.

19 1 Sec. 39. Section 321L.2A, subsection 4, Code 2005, is  
19 2 amended by striking the subsection.

19 3 Sec. 40. Section 326.11, unnumbered paragraph 2, Code  
19 4 2005, is amended to read as follows:

19 5 The director may issue temporary written authorization to  
19 6 carriers for vehicles acquired by a fleet owner and added to  
19 7 the fleet owner's prorate fleet after the beginning of the  
19 8 registration year. The temporary authority shall permit the  
19 9 operation of a commercial vehicle until permanent  
19 10 identification is issued, except that the temporary authority  
19 11 shall expire after ~~ninety~~ sixty days.

19 12 Sec. 41. Section 326.23, subsection 1, Code 2005, is  
19 13 amended to read as follows:

19 14 1. The owner of a commercial vehicle which is properly  
19 15 registered and licensed in some other jurisdiction and is to  
19 16 be operated occasionally on highways in this state, may, in  
19 17 lieu of payment of the annual registration fee for such  
19 18 vehicle, obtain a trip permit authorizing operation of the  
19 19 vehicle on the highways of this state ~~in interstate commerce~~  
19 20 for a period of not to exceed seventy=two hours. The fee for  
19 21 the trip permit shall be ten dollars.

19 22 Sec. 42. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW ==  
19 23 VALIDITY. A restricted license issued under section 321.178,  
19 24 subsection 2, Code 2005, prior to the effective date of this  
19 25 Act remains in effect, subject to the provisions of that  
19 26 subsection, for as long as the license remains valid or until  
19 27 the minor reaches the age of eighteen.

19 28 Sec. 43. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.

19 29 1. The legislative council is requested to establish a  
19 30 special minor's license interim study committee to review the  
19 31 provisions of Code section 321.194 concerning special minor's  
19 32 (school) licenses and make recommendations for revisions. The  
19 33 primary goals of the committee shall be to eliminate  
19 34 ambiguities in existing language, ensure the safe  
19 35 transportation of Iowa's youth, and improve highway safety.

20 1 2. The membership of the committee shall include the  
20 2 following:

20 3 a. Two members of the senate standing committee on  
20 4 transportation.

20 5 b. Two members of the house standing committee on  
20 6 transportation.

20 7 c. Two members of the senate standing committee on  
20 8 education.

20 9 d. Two members of the house standing committee on  
20 10 education.

20 11 e. Representatives of the governor's office, the state  
20 12 department of transportation, the department of education, the  
20 13 department of public safety, the office of the attorney  
20 14 general, the Iowa prosecuting attorneys council, the Iowa  
20 15 association of chiefs of police, the Iowa state sheriffs and  
20 16 deputies association, and the Iowa association of safety  
20 17 educators.

20 18 3. The committee shall report its findings and  
20 19 recommendations, including proposed legislation, to the  
20 20 general assembly no later than January 1, 2006.

20 21 EXPLANATION

20 22 This bill amends provisions relating to the regulation of  
20 23 motor vehicles by the state department of transportation.

20 24 The bill amends Code sections 299.1B, 321.177, 321.178,  
20 25 321.180B, 321.191, 321.213B, and 321.215 to eliminate obsolete  
20 26 provisions relating to temporary restricted and restricted  
20 27 driver's licenses for minors. The amendments reflect that a  
20 28 person under age 18 must be attending public or nonpublic  
20 29 school, competent private instruction, an alternative school,  
20 30 or adult education classes to be eligible for a driver's

20 31 license. Minors who have been issued a restricted license  
20 32 under current law will retain that license, subject to the  
20 33 conditions and restrictions that currently apply.  
20 34 Amendments to Code section 321.1 provide definitions for  
20 35 "bona fide residence", "bona fide address", and "bona fide  
21 1 business address" for the purpose of administering motor  
21 2 vehicle laws. The bill eliminates the obsolete term  
21 3 "remanufactured vehicle" from Code language.  
21 4 The bill amends Code section 321.9 to allow county  
21 5 officials who issue driver's licenses, motor vehicle  
21 6 registrations, and titles to administer oaths and acknowledge  
21 7 signatures, as department officers and employees do, for the  
21 8 purpose of administering motor vehicle laws.  
21 9 The bill makes several changes to provisions relating to  
21 10 drivers of commercial motor vehicles to comply with federal  
21 11 requirements. Code section 321.12 is amended to allow for the  
21 12 retention of records of convictions or revocations for  
21 13 operating while intoxicated for purposes of disqualification  
21 14 actions. The exemption from commercial driver licensing  
21 15 requirements for military personnel operating United States  
21 16 military equipment in Code section 321.176A is broadened to  
21 17 include certain national guard and United States coast guard  
21 18 personnel. Code section 321.191 is amended to establish a \$10  
21 19 fee for a school bus endorsement for a driver's license. Code  
21 20 section 321.200 is amended to require the department to file  
21 21 accident and conviction reports received from other  
21 22 jurisdictions, to be used when considering applications for  
21 23 renewal of licensure. Amendments to Code section 321.205  
21 24 authorize the department to use a conviction or administrative  
21 25 decision from another state as grounds for disqualification  
21 26 from operating a commercial motor vehicle in this state.  
21 27 Amendments to Code sections 321.208 and 321.218 mandate  
21 28 disqualification from operating a commercial motor vehicle for  
21 29 specified periods of time based on a conviction or  
21 30 administrative decision for certain offenses committed in any  
21 31 state. The amendment to Code section 321.449 strikes the  
21 32 exemption for special trucks from inspections required under  
21 33 motor carrier safety rules. A special truck is a motor truck  
21 34 or truck tractor with a gross weight of six through 32 tons  
21 35 used in connection with farming.  
22 1 The bill amends Code sections 321.23 and 321.24 to provide  
22 2 that the owner of a specially constructed or reconstructed  
22 3 vehicle is required to title and register the vehicle within  
22 4 30 days of state inspection, and the owner of a vehicle  
22 5 subject to bonding requirements must register the vehicle  
22 6 within 30 days of receipt of authorization from the  
22 7 department.  
22 8 Code sections 321.24 and 321.52 are amended to reflect that  
22 9 motor vehicle title and registration information will appear  
22 10 on the front rather than the reverse side of motor vehicle  
22 11 registration receipts, registration cards, and junking  
22 12 certificates.  
22 13 The bill amends Code section 321.34 to allow special ex=  
22 14 prisoner of war motor vehicle registration plates to be issued  
22 15 to the owner of a motor vehicle who was a prisoner of war  
22 16 during any time of military conflict, rather than during  
22 17 specified wars and conflicts.  
22 18 Code section 321.43 is amended to require that a vehicle  
22 19 that has been assigned a distinguishing number in lieu of a  
22 20 serial number by the department must be titled and registered  
22 21 within 30 days of issuance of the number.  
22 22 The bill amends Code section 321.109 to replace in=transit  
22 23 stickers with permits to be issued to automobile dealers  
22 24 moving vehicles between Iowa and another state.  
22 25 The bill amends Code section 321.194 to specify that  
22 26 special minor's licenses, which are issued to persons 14 to 18  
22 27 years of age to drive to and from school, may be limited to  
22 28 driving from the person's residence to the closest school bus  
22 29 stop or public transportation service. The bill also requests  
22 30 the legislative council to establish an interim study  
22 31 committee to consider and report on the special minor's  
22 32 license (school license) under Code section 321.194.  
22 33 The bill amends Code section 321.198 to extend the validity  
22 34 of commercial and chauffeur driver's licenses for six months  
22 35 following a person's separation from active duty in military  
23 1 service. This benefit is currently available to holders of  
23 2 valid noncommercial driver's licenses.  
23 3 The bill amends Code section 321.423 to specify that the  
23 4 flashing light used on a towing or recovery vehicle or a  
23 5 utility, municipal, or highway maintenance vehicle must be  
23 6 amber in color. Code section 321.451 is amended to provide

23 7 that a privately owned towing or recovery vehicle may be  
23 8 designated by the department as an authorized emergency  
23 9 vehicle. Such vehicles display flashing red or white lights  
23 10 during an emergency or flashing blue lights when authorized  
23 11 for use by a fire department.  
23 12 The bill amends Code section 321.456 to eliminate a permit  
23 13 requirement for vehicles exceeding the maximum height limit of  
23 14 13 feet 6 inches. A maximum height of 14 feet still applies  
23 15 to a vehicle or combination of vehicles coupled together and  
23 16 transporting other vehicles.  
23 17 The bill amends Code section 326.23 by lifting the  
23 18 restriction that 72-hour trip permits, which are issued to  
23 19 commercial vehicles registered out-of-state, may only be used  
23 20 for interstate commerce. The bill specifies in Code section  
23 21 321E.12 that such a permit cannot be substituted for a permit  
23 22 required in this state for a vehicle of excessive size and  
23 23 weight. Code section 326.11 is amended to reduce a fleet  
23 24 owner's authority to operate a commercial vehicle under a  
23 25 temporary permit from 90 to 60 days.  
23 26 The amendment to Code section 321L.2 eliminates the  
23 27 requirement that removable windshield placards issued to  
23 28 organizations or persons providing transportation to elderly  
23 29 or disabled persons must be replaced every four years. The  
23 30 bill also strikes the requirement in Code section 321L.2A that  
23 31 the department provide a list of vendors who sell wheelchair  
23 32 parking cones.  
23 33 LSB 1166DP 81  
23 34 dea:nh/gg/14